

FISCAL NOTE
SB 316 - HB 555

March 29, 2007

SUMMARY OF BILL: Creates a Class E felony offense for knowingly ingesting any illegal substance or controlled substance not prescribed by a physician while pregnant. Requires health care provider who discovers pregnant patient using illegal controlled substance to report such information to the appropriate law enforcement official.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$1,839,300 / Incarceration*


Assumptions:

- The Department of Children's Services had 533 confirmed cases of drug-exposed infant out of 1,328 cases investigated from March, 2004, to February, 2005. The Department of Correction (DOC) estimates that 250 of those would be convicted of a Class E felony in the first year and would serve 0.6 years. According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth would result in 29 additional offenders in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 279 offenders.
- 279 persons would be convicted of a Class E felony for knowingly ingesting an illegal substance or controlled substance not prescribed by a physician while pregnant and would serve 0.3 years (109.58 days). According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The total additional cost for 279 offenders is \$1,839,260.07 (\$6,592.33 x 279).

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director